

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA GAS COMPANY for Authority Pursuant to Public Utilities Code Section 851 to Sell Certain Real Property in Playa del Rey, California.

(U 904 G)

Application 99-05-029

**ADMINISTRATIVE LAW JUDGE'S RULING
LIFTING STAY OF PROCEEDING**

Summary

This ruling lifts the stay of the proceeding put in place pursuant to a ruling by the Administrative Law Judge (ALJ) on October 11, 2001. In particular, the stay is lifted for all activity undertaken pursuant to the California Environmental Quality Act (CEQA), in Application (A.) 99-05-029.

Background

On May 12, 1999, Southern California Gas Company (SoCalGas) filed A.99-05-029, with the Commission pursuant to Pub. Util. Code § 851,¹ seeking authorization to sell vacant lots located in Playa del Rey and Marina del Rey, California. Some of the lots contain abandoned and capped oil and gas wells. Many nearby residents and interest groups filed protests to the Application raising environmental, health, and safety issues concerning the abandoned wells.

¹ Unless otherwise noted, all code references are to the California Public Utilities Code.

In January 2000, the assigned ALJ determined that SoCalGas' Application triggered an environmental review under CEQA. SoCalGas was instructed to file a Preliminary Environmental Assessment and the CEQA process began.

On May 11, 2000, three complaints were filed by Playa del Rey residents, Boppana, Story, and Jibilian. The three complaints (C.) 00-05-010, C.00-05-011, and C.00-05-012, although filed separately, were consolidated into one complaint case, C.00-05-010, because they all raised a common question: Is SoCalGas operating its Playa del Rey gas storage facility and gas fields in a manner that ensures the safety and health of the neighboring residents? In summary, the complainants asked the Commission to conduct an investigation of the gas facility and gas fields.

The Commission has been actively working on an approach that would effectively and efficiently address the environmental concerns raised by the Application, and, without unnecessary duplication of effort and expense, investigate the health and safety concerns voiced in the complaints. To that effect, the ALJ issued a ruling staying any activity in the Application, including work under CEQA, and ordered that a Health Risk Assessment (HRA) be undertaken in the complaint proceeding.

Upon further detailed analysis and deliberation on the issues raised by the complainants, Commission staff advised the Commission that the best course of action would be for the HRA to proceed as a component of the CEQA review in the Application.

Discussion

As mentioned above, the Commission has been working to determine the most efficacious way to satisfy itself, the citizens of Playa del Rey, and SoCalGas that the Playa del Rey storage facility and fields are operating in a manner that is compatible with the health and safety of its neighbors. The Commission has

determined that the HRA is a vehicle to answer that question. The HRA will incorporate a number of detailed studies to determine whether or not there are health and safety risks in the areas abutting SoCalGas' Playa del Rey facility and fields.

The Commission began its CEQA investigation for the Application in the year 2000. The initial CEQA review included gathering existing data and conducting preliminary analysis. Based on that initial CEQA review, Commission staff determined that there was insufficient data to complete the CEQA document and make a determination in the complaint case.

The Commission must make factual findings in both the complaint case and the Application. The HRA should be conducted under CEQA because CEQA provides a defined structure for public involvement in the environmental review and because the issues analyzed through the HRA can also be addressed in the CEQA process. The final CEQA report that is sent out for review and comment will include the findings from the HRA. This complete CEQA report will provide the Commission with the data to make an informed decision on the complaint case and the 851 Application.

IT IS RULED that the stay instituted pursuant to the Administrative Law Judge ruling of October 11, 2001, in Application 99-05-029 is lifted.

Dated February 5, 2002, at San Francisco, California.

/s/ CAROL BROWN

Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Lifting Stay of Proceeding on all parties of record in this proceeding or their attorneys of record.

Dated February 5, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.